<center>REMARKS</center>

The Office Action mailed September 8, 2008, has been carefully reviewed and the following remarks are submitted in response thereto. Claims 1-22 are pending.

The rejection of claims 1-7, 10-13, and 16-20 under 35 USC 103(a) as being unpatentable over Rawlins in view of Bruck is respectfully traversed.

Rawlins has been previously discussed in detail in connection with the withdrawn rejection for anticipation. The new rejection continues to cite Rawlins as allegedly showing the interconnection of a plurality of physical processing components within the network for providing a plurality of virtual processing elements that are accessible by respective network traffic paths to perform a respective data processing operation on user-supplied data recited in claim 1. As known in the art and as apparent from Rawlins itself, routers do not perform processing that meets these requirements. The "processing" done in a router is for the purpose of getting each particular packet of network traffic to its proper destination. The router does not perform any operations on user-supplied data (i.e., the data payload within the packet); nor does anything in Rawlins teach virtual processing elements having a respective data processing operation and being accessible by a respective network path. The invention aggregates respective network paths to join processing operations to compose a desire data service. Without these basic elements to combine (i.e., the virtual processing elements), the combination of Rawlins and Bruck fails to teach or suggest the claimed method.

The rejection argues that Rawlins shows the claimed pool of virtual processing elements using a resource aggregator, wherein each virtual processing element has a capacity allocable according to a respective communication transfer rate based on a sustainable data flow rate to complete respective data processing transactions on user-supplied data. However, Rawlins merely shows an edge router performing admissions control based on a comparison of requested bandwidth to that which is available in a pool. Since Rawlins is only performing network traffic control functions, there is no suggestion

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of pooling virtual processing elements which are allocable based on the data flow rate that is used by the data processing function of the virtual element.

The rejection erroneously argues that Bruck also teaches a plurality of virtual processing elements that are accessible by respective network traffic paths to perform a respective data processing operation on user-supplied data. Bruck teaches a distributed gateway for performing failover and dynamic load balancing for increasing network availability (Abstract). If one of the machines in Bruck fails, it shifts traffic from the failed machine to an operational machine (col. 4, lines 21-29). The gateway function is Bruck can be distributed to servers with other operational functions (e.g., web server), but there is no teaching of any interaction between such functions. The incidental performance of a gateway function with some other function in Bruck would not lead one skilled in the art to make any modifications to Rawlins since Rawlins manipulates network traffic and does not perform the claims data processing operations. The aggregation and allocation of network traffic paths to perform a data processing operation using virtual processing elements as claimed is neither shown nor suggest by the cited references. Therefore, claim 1 and its dependent claims 2-7 should be allowed.

Claim 2 recites that the plurality of virtual processing elements includes multiple component types for performing respective processing operations. Since Rawlins fails to show any data processing operations at all, it fails to suggest claim 2.

Claim 3 recites combining respective processing operations to implement a predetermined composite service. Rawlins fails to compose a service of any data processing operations, and claim 3 is allowable thereover.

Claims 4-7 recite further details of the data processing operations and the composing of the composite service, none of which are taught or suggested by Rawlins.

Independent claim 10 recites limitations similar to claim 1 and is allowable for the same reasons, together with its dependent claims 11-13.

Independent claims 16 and 17 recite apparatus with limitations similar to claim 1, and they are allowable for the same reasons together with dependent claims 18-20.

The rejection of claims 8, 9, 14, 15, 21, and 22 under 35 USC 103(a) as being unpatentable over Rawlins and Bruck in view of Wright is respectfully traversed. Wright fails to correct for the deficiencies of Rawlins and Bruck. Therefore, claims 8, 9, 14, 15, 21, and 22 are allowable.

In view of the foregoing amendment and remarks, claims 1-22 are now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

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